

APPENDIX A**DEFENDANTS' SUMMARY CHART OF DOCUMENTS SUBMITTED BY SEC FOR *IN CAMERA* REVIEW**

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(A)	February 14, 2014 handwritten notes from Valerie Szczepanik re: meeting between SEC Commissioner and external parties including Prof. Joseph Grundfest.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(B)	December 8, 2014 handwritten notes from Valerie Szczepanik re: meeting with FINRA.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.

* Claimed for first time in September 14, 2021 brief. ECF No. 351.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(C)	June 20, 2017 handwritten notes from Valerie Szczepanik re: meeting with digital asset advocacy group.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Subsequent use in enforcement proceedings does not create work product protection. • Collection of information is not privileged.
1(D)	June 29, 2017 handwritten notes from Valerie Szczepanik re: meeting with digital asset advocacy group.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Subsequent use in enforcement proceedings does not create work product protection. • Collection of information is not privileged.

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1(E)	December 13, 2017 handwritten notes from Valerie Szczepanik re: meeting with Consensys.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(F)	April 6, 2018 handwritten notes from Valerie Szczepanik re: meeting with Prof. Christian Catalini.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(G)	April 10, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.

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1(H)	April 6, 2018 handwritten notes from Michael Seaman re: meeting with Prof. Christian Catalini.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(I)	April 23, 2018 handwritten notes from Michael Seaman re: meeting with Consensys.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(J)	June 8, 2018 handwritten notes from Michael Seaman re: meeting with Consensys.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.

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1(K)	June 24, 2016 handwritten notes from Michael Seaman re: meeting with Consensys.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie meeting or notes to a policy process or agency decision. Communications with third parties are not privileged. There is no unique privilege for handwritten notes. Failure to log other privileges constitutes waiver. Collection of information is not privileged.
1(L)	July 19, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie meeting or notes to a policy process or agency decision. There is no unique privilege for handwritten notes. Failure to log other privileges constitutes waiver. Collection of information is not privileged.
1(M)	August 22, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie meeting or notes to a policy process or agency decision. There is no unique privilege for handwritten notes. Failure to log other privileges constitutes waiver. Collection of information is not privileged.

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1(N)	August 28, 2018 handwritten notes from Valerie Szczepanik re: meeting with digital asset platform.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(O)	September 18, 2018 handwritten notes from Michael Seaman re: meeting with Ripple.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(P)	November 28, 2018 handwritten notes from Valerie Szczepanik re: meeting with staff for Senator Tom Cotton.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.

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1(Q)	August 2019 handwritten notes from Richard Gabbert re: meeting with SBI.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie meeting or notes to a policy process or agency decision. Communications with third parties are not privileged. There is no unique privilege for handwritten notes. Collection of information is not privileged.
2	June 13, 2018 email and attached memorandum from Office of Chief Counsel of the Division of Corporation Finance to staff of the Division of Enforcement re: legal analysis of XRP.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> *	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie memorandum to a policy process or agency decision. DPP applies to agency decisionmaking, not decisions of individual agency staff. Attorney-client privilege attaches only to confidential information concerning the SEC. Subsequent use in enforcement proceedings does not create work product protection. Failure to log other privileges constitutes waiver.
3	June 21, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.

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4	June 22, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.
5	August 14, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.
6	October 17, 2017 meeting invite and attached presentation from staff of the Division of Enforcement to the staff of the Division of Investment Management			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie redacted portions of presentation to a policy process or agency decision.
7	Document not submitted for <i>in camera</i> inspection.				

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8	January 6, 2018 email from Valerie Szczepanik attaching presentation to SEC Commissioner re: digital assets.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • “Bitcoin & Blockchain” presentation not tied to any policy process or agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff. • Attorney-client privilege attaches only to confidential information concerning the SEC.
9	June 5, 2018 email to SEC personnel attaching draft of Hinman Speech.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • The SEC asserts the speech reflected only personal views of Mr. Hinman, so it is not tied to any policy process or agency decision. • Contents of the speech are not an agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff.
10	June 7, 2018 email from Treasury staff member to FSOC Working Group.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • “[C]onsider[ation] of issues related to digital assets” reflected in email not tied to policy process or agency decision.
11	October 25, 2018 email attaching draft presentation material for Director Bill Hinman.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff.
12	November 20, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.
13	November 24, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.

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14	November 24, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.